

CONDENSED TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA, SOUTHERN DIVISION

FERRIS JOSEPH,
Plaintiff,

VS.

CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER DAY
SAINTS, a Utah corporation
sole, and CORPORATION OF
THE PRESIDING BISHOP OF THE
CHURCH OF LATTER-DAY
SAINTS, a Utah corporation
sole,

Defendants.

Deposition of:

JAY SESSIONS

Case No. 06-4143

November 6, 2007 * 11:25 a.m.

Location: Kirton & McConkie
60 East South Temple, Suite 1800
Salt Lake City, Utah 84111

Reporter: Diana Kent, CSR, RPR, CRR
Notary Public in and for the State of Utah



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1 Q. They had been over to the parents' house?
 2 A. Well, I'm sure I am meaning the parents'
 3 house.
 4 Q. Okay. So someone told you, it might have
 5 been Elder White or Elder Taylor, that narcotics
 6 police had been to the White's home in San Francisco?
 7 A. Correct.
 8 Q. And then you say the parents didn't
 9 suspect him but they found some seeds in one of his
 10 coat pockets?
 11 A. Yes.
 12 Q. Okay. And again that's information that
 13 you would have gotten from either Elder Taylor or
 14 Elder White himself?
 15 A. Yes.
 16 Q. Then you say there is also a rumor. Is
 17 that, what word? A rumor?
 18 A. Yes. Not spelled too well.
 19 Q. You state there was also a rumor that his
 20 old girlfriend's parents were pushing charges of rape
 21 on him?
 22 A. "Pushing" or "pressing."
 23 Q. Pressing charges of rape on him. And
 24 again this is something that either Elder Taylor or
 25 Elder White would have told you?

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1 A. I don't know who else. It would have to
 2 have been one of them. I don't know.
 3 Q. Is there a reason you stated it was a
 4 rumor?
 5 A. Well, it sounds like gossip to me. And I
 6 don't think Elder White would be spreading the rumor
 7 like that. But I don't know.
 8 Q. So it's likely something that Elder Taylor
 9 would have told you?
 10 A. Yes. And I don't know where he would have
 11 heard it.
 12 Q. The fact that an old girlfriend's parents
 13 are pressing charges, would that indicate to you that
 14 the girl at issue was a minor?
 15 A. Yes.
 16 Q. Then you say in your notes from February
 17 23, 1968, "That's the NIM." What does that mean?
 18 A. The Northern Indian Mission.
 19 Q. Can you explain that reference?
 20 A. I can't. It sounds sarcastic. It sounds
 21 cynical. It sounds like I expected that to happen
 22 there, but I can't say why I would put that in.
 23 Q. Was it your experience that you had crazy
 24 stories, conduct of missionaries come up in your
 25 travels?

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1 A. Well, everyone comes out with baggage and
 2 they have a past life. And maybe that's why I'm
 3 saying that. It's colorful missionaries. Not unlike
 4 any other mission, I would assume.
 5 Q. Well, 19 years old don't have that much of
 6 a history.
 7 A. Anybody that has been through high school
 8 would experience some things that may be better left
 9 unsaid, and possibly needing repenting of. But here
 10 again, as far as I was concerned this is just a
 11 colorful past just like a guy would be playing
 12 football or something like that. I don't think it
 13 was an issue other than just him having this
 14 background. And some of the best missionaries were
 15 the ones that had the most to repent of, because they
 16 could relate to an alcoholic if he had drunk a little
 17 before their mission. So I guess I'm saying the past
 18 really wasn't that important. But I don't know why I
 19 would say, "That's the NIM."
 20 Q. Your next sentence says, "I just hope that
 21 he --" strike that.
 22 Your next sentence says, "I hope that he
 23 doesn't try anything out here." Is that correct?
 24 That's what it says?
 25 A. That's correct.

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1 Q. So that indicates some concern on your
 2 part that he might engage in such behavior as
 3 indicated in this note while he is on his mission?
 4 MR. McMAHON: I'm going to object. Again,
 5 it's argumentative.
 6 Q. You can answer the question. I want to
 7 understand what you mean by, "I just hope he doesn't
 8 try anything out here."
 9 MR. McMAHON: Then that's what you should
 10 ask.
 11 Q. What did you mean by that?
 12 A. Well, I felt a concern for him, knowing
 13 his past. And all the Elders, I didn't know their
 14 past but sometimes things come up and you are
 15 concerned about them, too. Spend too much time
 16 playing ball, maybe it's because they were ball
 17 players in high school. I think it's just something
 18 I -- well, I felt responsible for him, obviously.
 19 And I didn't want him to do anything that I would
 20 feel like I would be responsible for, too. So I did
 21 sense a feeling of responsibility, yes.
 22 Q. And you had your fingers crossed that he
 23 wouldn't be engaging in any immoral criminal conduct
 24 on his mission; is that correct?
 25 A. That's correct.

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1 Q. And then it says, "I told him I know how
2 he feels. I told him I had problems, too.
3 Especially with my mother's strong influence."

4 A. Yes.

5 Q. That is what that says?

6 A. Yes.

7 Q. And then it says, "I told him don't worry
8 about it. He's really a baby. He hates Elder
9 Taylor."

10 A. Yes.

11 Q. That's what that says, correct?

12 A. Yes.

13 Q. And then it says, "He keeps threatening to
14 go home. I wish he would really. He could be good
15 but he has no backbone." Is that what that says?

16 A. Yes.

17 Q. And then it says, "He says that --"
18 actually, I'm going to ask you to read the last
19 sentence. I'm having trouble reading that.

20 A. How come I get to read all the bad parts?
21 "He says that all the return missionaries in his ward
22 are in jail, et cetera, and," something, "the biggest
23 psychological business in Utah is return
24 missionaries." And then I say, "Not me."

25 Q. So he told you that the missionaries from

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1 his ward in the San Francisco area came back from
2 their missions with psychological problems? Is that
3 what he told you?

4 A. Yes.

5 Q. And I take it he was concerned that he
6 would experience the same psychological problems that
7 these other missionaries had?

8 A. Well, I don't know if you can read that
9 into it but...

10 Q. But it sounds from your discussion on this
11 date, March 8, 1968, that Elder White was really a
12 problem, dissatisfied with the mission, and unhappy;
13 is that correct?

14 A. Yes.

15 Q. And also, you indicate here that he
16 doesn't know if the Church is true or even if there
17 is a God, correct?

18 A. Yes.

19 Q. Wouldn't that be an important
20 qualification, for a missionary to believe that the
21 Church is true and that there is a God?

22 A. Amen. Yes, it would. But at that age,
23 you are still -- we are all struggling. It's not
24 uncommon for missionaries to come back and say, "The
25 biggest convert was me." And I think -- I don't

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1 think that's terribly uncommon. But that's pretty
2 extreme, you're right. If he doesn't know there's a
3 God, you know, and he is out there trying to preach,
4 it's kind of hypocritical, you're right. But on the
5 other hand, it isn't uncommon.

6 Q. I believe we had testimony yesterday that,
7 and forgive me, I forgot the term again, but where
8 the missionaries are supposed to, when they are
9 proselytizing, to give testimony?

10 A. You're right.

11 Q. What's the term?

12 A. Testimony. You're right. Bear your
13 testimony.

14 Q. They are supposed to bear their testimony.
15 So when he would bear his testimony, it would be
16 false at that point, wouldn't it?

17 A. Yes.

18 Q. Was that a concern for you at that time?

19 A. No. Because I had trouble with that,
20 too.

21 Q. Let me ask this: Knowing at this point
22 that Elder White was unhappy, was having a problem
23 psychologically, was questioning his belief in the
24 LDS Church and in God, and at the same time was also
25 accused of marijuana, growing marijuana before

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1 entering the mission and also raping a minor girl
2 before entering the mission, would you have concluded
3 at that point that he was unfit to continue in his
4 missionary duties?

5 MR. McMAHON: I'm going to object to the
6 form of the question from the standpoint that many of
7 the things that you have included are statements of
8 fact which you have inaccurately stated.

9 Q. You can answer the question.

10 A. How come he objects and you say I can
11 answer? Does that mean --

12 MR. McMAHON: It's a deposition, Jay. And
13 we don't --

14 THE WITNESS: You are saying --

15 MR. McMAHON: I'll answer your question
16 for you, if you give me a chance. It's a deposition.
17 There's not a judge here to rule. A judge will rule
18 later on. So now you can answer it however you can,
19 if you can. Whatever.

20 THE WITNESS: Okay.

21 It would seem that way. However, I felt I
22 could really, really -- I had some of the same
23 troubles he did as far as the truthfulness of the
24 gospel. And I had trouble in Mormon culture. It's
25 common to bear your testimony with a firm conviction